FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.4 OF 2006
IN
APPEAL FROM ORDER (ST) NO.26 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.K.Pandey i/by ABG & Associates for the applicant.

Mr.S.J.Bhor for BMC.

Coram : R.S.Mohite,J
(Vacation Judge)

Date : 4th January, 2006.

PC

1. Heard both sides. It is seen from the impugned order passed by the trial Court refusing injunction that the suit is premature because no final order has been passed in pursuance of the notice under Section 351 of the BMC Act. It is an admitted position that no such final order is passed. Advocate for the applicant states that if some protection is given, he will not only withdraw the present proceeding but will also withdraw

the suit. In the circumstances, it is directed that the officer of the B.M.C. will hear and dispose of the proceeding under Section 351 of the BMC Act in accordance with law within a period of six weeks from today. Needless to say that till the matter is decided, the premises in question will not be demolished. In case of adverse order, the demolition will be stayed for a period of two weeks from the date of the communication of the said order. In view of this order the Advocate for the applicant states that nothing more survives in the suit and he would also like to withdraw the suit. Suit is therefore, allowed to be withdrawn with liberty to challenge the final order if the same is adverse against him.

(R.S.Mohite,J)